

REMARKS

This amendment is responsive to the Office Action mailed July 18, 2007. By the present amendment, claims 1-24 remain pending in the application. Claims 25-29 have been canceled without prejudice. Claims 30-37 were previously withdrawn in response to a restriction requirement.

INTERVIEW SUMMARY

The undersigned wishes to thank the Examiner for the courtesy of the telephone interview on the present day. Although no decision was reached as to the allowability of any claims, the undersigned maintains his belief that the claims as presently amended clearly define over the cited references.

ELECTION/RESTRICTION

The Examiner indicated that claims 1-12 and 13-24 have been ordered cancelled by the Applicant. However, this is not correct. Claims 1-24 are pending in the application. Claims 25-29 were previously cancelled and claims 30-37 have been withdrawn as directed to non-elected claims.

REJECTION UNDER 35 U.S.C. § 112, 2ND PARAGRAPH

The Examiner objected to the term "Man-In-The-Loop" as being indefinite because, in the Examiner's opinion, it is not clearly defined in the specification. The undersigned most respectfully disagrees with this determination, but in the interest of expediting prosecution, has added language to the preambles of independent claims 1 and 13 to

explain that the claimed system provides a "Man-In-The-Loop" human intervention weapons control capability. It is believed that this language makes clear that the "Man-In-The-Loop" language is referring to the capability of an individual to be able to interface to the system to enable the individual to assist in controlling operation and/or communications to and from the weapons and other components of the system. If the Examiner believes that a declaration from the co-inventors would be helpful to support the widespread understanding in the industry/art of this term, the undersigned would likely be able to supply such a declaration for the Examiner's consideration.

REJECTION UNDER 35 U.S.C. § 103

Claims 13, 17-19 and 21-24 stand rejected as being obvious over what the Examiner termed "Applicant's Admissions" in view of US 6,755,372, issued to Mentzel, and further in view of the "EDO 3000 Series Rugged Laptop and Docking Station" (hereinafter "EDO 3000 reference"). This rejection is respectfully traversed.

Initially, it will be noted that independent claim 1 has been amended to more positively set forth that the system provides a MITL weapons control capability to a "non-MITL mobile platform. In other words, the present system isn't merely a minor upgrade of a pre-existing system to allow use of a newer version of a weapons system that already was installed for use on an aircraft. Additional amendments have been made to claim 1 to emphasize that the "circuit" claimed therein includes a "military specification data bus for communicating output commands to at least one of the data link pod and the weapon", and a non-military specification data bus for communicating imaging data to the circuit. The Examiner will note that there is ample support in the specification setting forth the use

of a military specification data bus (i.e., the MIL-STD-1553 bus). A printout obtained from the Internet of the formal definition of the MIL-STD-1553 interface is being attached hereto as Exhibit A. Claim 1 as presently amended is not shown or suggested by the Examiner's collection of references.

The EDO 3000 reference appears related only to a docking station for a laptop computer or like computing device. There is no suggestion or anything else that would motivate one of ordinary skill in this art to combine its teachings with Mentzel, nor is there anything that would suggest combining the teachings of Mentzel with that of the EDO 3000 reference. In particular, it will be noted that Mentzel is directed to what appears to be merely an upgrade of an existing weapons system. It is explained in Mentzel that the alleged invention provides an interface controller for allowing the incorporation of Harpoon Block II mission planning into a Harpoon Aircraft Command-Launch Control Set (HACLCS) system-equipped aircraft without any software modification required to the already existing HACLCS system components with the aircraft (col. 2, lines 8-13). The present system and method provides for MITL control capability for an aircraft that previously had no MITL capability whatsoever. Thus, the present system and method enables a host of MITL weapons to be used on an aircraft where such capability did not previously exist.

The Mentzel reference further does not disclose or suggest using both military specification and non-military specification interface busses to enable communication with military standard/specification devices, as well as non-military devices (e.g., conventional joysticks or other input devices).

For at least these reasons, reconsideration and withdrawal of the foregoing rejection is respectfully requested.

No Motivation To Combine References

The Examiner will appreciate that it is well established by the CAFC that there must be some teaching, motivation or desirability to combine the prior art references. A general relationship between fields of the prior art patents that are being combined is not sufficient to establish the suggestion or motivation. See e.g., C.R. Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1352 (Fed. Cir. 1998). A general relationship between the fields of the prior art references is not sufficient to establish the required "suggestion" or "motivation". Interactive Techs., Inc. v. Pittway Corp., Civ. App. No. 98-1464, slip op. at 13 (Fed. Cir. June 1, 1999) (unpublished), cert. denied, 528 U.S. 1046 (1999).

Furthermore, the Federal Circuit has stated:

The genius of invention is often a combination of known elements which in hindsight seems preordained. To prevent hindsight invalidation of patent claims, the law requires some "teaching, suggestion or reason" to combine the cited references. . . . When the art in question is relatively simple, as is the case here, the opportunity to judge by hindsight is particularly tempting. Consequently, the tests of whether to combine references need to be applied rigorously.

McGinley v. Franklin Sports Inc., 262 F.3d 1339, 60 USPQ2d 1001, 1008 (Fed. Cir. 2001) (citing Gambro Lundia AB v. Baxter Healthcare Corp., 110 F.3d 1573, 1579, 42 USPQ 2d 1378, 1383 (Fed. Cir. 1997)).


In this example, the Examiner has failed to explain the specific understanding or principle within the knowledge of a skilled artisan that would have motivated one with no knowledge of the presently claimed invention to make the combination asserted by the Examiner. Accordingly, it is respectfully maintained that the combination of references applied by the Examiner has been made in hindsight using the pending claims as a road map.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: October 18, 2007

By: 
Mark D. Elchuk, Reg. No. 33,686

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MDE/dyw/chs